

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>LIYA MIRANOWIC, <i>et al.</i></b>	:	<b>CIVIL ACTION</b>
	:	
<b>v.</b>	:	<b>NO. 18-5216</b>
	:	
<b>BRANDON R. WIND, ESQ., <i>et al.</i></b>	:	

**ORDER**

**AND NOW**, this 7<sup>th</sup> day of December 2018, upon considering Liya Miranowic and Victoria Mazepa's complaint (ECF Doc. No. 1), and consistent with our independent obligation to ensure our subject matter jurisdiction, is it **ORDERED** Plaintiffs shall no later than **December 14, 2018** either: amend the complaint to plead diversity of citizenship consistent with Fed. R. Civ. P. 11 or **show cause** in a memorandum not exceeding ten (10) pages as to why we should not dismiss for lack of subject matter jurisdiction.<sup>1</sup>



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**KEARNEY, J.**

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<sup>1</sup> Liya Miranowic and Victoria Mazepa invoke our subject matter jurisdiction under 28 U.S.C. § 1332, which requires complete diversity of citizenship and an amount in controversy “exceed[ing] the sum or value of \$75,000, exclusive of interests and costs.” 28 U.S.C. § 1332(a)(1). “Complete diversity requires that, in cases with multiple plaintiffs or multiple defendants, no plaintiff be a citizen of the same state as any defendant.” *Zambelli Fireworks Mfg. Co. v. Wood*, 592 F.3d 412, 419 (3d Cir. 2010). “A natural person is deemed to be a citizen of the state where he is domiciled.” *Id.* “Domicile, in turn, is established by one’s physical presence in a state—e.g., residence—and intent to remain there indefinitely.” *Leisk v. Elliot*, No. 14-3639, 2014 WL 6070837, at \*2 (E.D. Pa. Nov. 13, 2014).

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Liya Miranowic and Victoria Mazepa allege they are “adult individual[s] residing at the above captioned address[es].” ECF Doc. No. 1 at ¶¶ 1–2. Despite listing their New Jersey addresses, Liya Miranowic and Victoria Mazepa do not allege their domicile. Their allegation of the citizenship of Brandon R. Wind, Esq., suffers the same defect, as they allege Mr. Wind practiced law with the law firm of Penglase & Benson, Inc., and list an address under his name in the caption, but fail to allege his domicile.